# Air Products and Chemicals, Inc. and Dennis C. Wise. Case 10-CA-17838

### 10 August 1983

### **DECISION AND ORDER**

# BY MEMBERS JENKINS, ZIMMERMAN, AND HUNTER

On 12 January 1983 Administrative Law Judge Lawrence W. Cullen issued the attached Decision in this proceeding. Thereafter, the General Counsel filed exceptions and a supporting brief, and Respondent filed exceptions, a supporting brief, and a brief in answer to the General Counsel's exceptions.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the record and the attached Decision in light of the exceptions and briefs and has decided to affirm the rulings, findings, and conclusions of the Administrative Law Judge and to adopt his recommended Order.

### **ORDER**

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge and hereby orders that the Respondent, Air Products and Chemicals, Inc., Atlanta, Georgia, its officers, agents, successors, and assigns, shall take the action set forth in said recommended Order.

### **DECISION**

### STATEMENT OF THE CASE

LAWRENCE W. CULLEN, Administrative Law Judge: This case was heard before me on October 5, 1982, at Atlanta, Georgia. The hearing was held pursuant to a complaint issued by the Regional Director for Region 10 of the National Labor Relations Board on March 8, 1982. The complaint is based on a second amended charge filed by Dennis C. Wise, an individual, on behalf of himself on March 1, 1982. The complaint, as amended at the hearing, alleges that Air Products and Chemicals, Inc. (hereinafter referred to as Respondent), has violated

Section 8(a)(1) of the National Labor Relations Act (hereinafter referred to as the Act) by unlawfully interrogating its employees "concerning their union membership, activities and desires," by threatening "its employees with reprisals if its employees joined, or engaged in activities on behalf of, the Union," and by soliciting grievances and promising to remedy them "at a time when it had knowledge of the aforementioned organizational campaign and for the purpose of causing its employees to reject the Union as their collective-bargaining representative." The complaint also alleges that Respondent has violated Section 8(a)(3) and (1) of the Act by discharging and thereafter failing and refusing to reinstate its employee Dennis C. Wise on or about January 12, 1982, "because of his membership in, and activities on behalf of, the Union, and because he engaged in concerted activities with other employees for the purpose of collective bargaining and other mutual aid and protection." The complaint is joined by the answer of Respondent wherein it denies the commission of the alleged violations of the Act.

Upon the entire record in this proceeding, including my observation of the witnesses who testified herein, and after due consideration of the positions of the parties and briefs filed by the General Counsel and counsel for Respondent, I make the following:

#### FINDINGS OF FACT AND ANALYSIS<sup>1</sup>

#### I. JURISDICTION

The complaint alleges, Respondent admits, and I find that, at all times material herein, Respondent was a Delaware corporation with an office and place of business located at Conyers, Georgia, where it is engaged in the manufacture and distribution of industrial gases and chemicals, that during the past calendar year preceding the filing of the complaint, a representative period, Respondent sold and shipped from its Conyers, Georgia, plant finished products valued in excess of \$50,000 directly to customers located outside the State of Georgia, and that Respondent is, and has been at all times material herein, an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

### II. THE LABOR ORGANIZATION

The complaint alleges, Respondent admits, and I find that Teamsters Local Union No. 728 (hereinafter referred to as the Union) is, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of the Act.

### III. THE ALLEGED UNFAIR LABOR PRACTICES

### A. The Alleged 8(a)(1) Violations

In mid-August 1981, the union organizing campaign commenced at Respondent's premises in Conyers, Georgia. Respondent was served with a notice by the Union

<sup>&</sup>lt;sup>1</sup> The General Counsel and Respondent have excepted to certain credibility findings made by the Administrative Law Judge. It is the Board's established policy not to overrule an administrative law judge's resolutions with respect to credibility unless the clear preponderance of all of the relevant evidence convinces us that the resolutions are incorrect. Standard Dry Wall Products, 91 NLRB 544 (1950), enfd. 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing his findings.

No exceptions were filed to the Administrative Law Judge's dismissal of Respondent's alleged solicitation of grievances.

<sup>&</sup>lt;sup>1</sup> The following includes a composite of the testimony of the witnesses which is credited except insofar as specific credibility resolutions are made.

on August 21, 1981. Charging Party Wise testified that he and several other employees were involved in obtaining union cards. Wise testified that he solicited approximately 10 to 12 union cards from his fellow employees (truckdrivers) at Respondent's terminal facility in Conyers, Georgia, where he was employed as an over-the-road truckdriver.

1. The alleged interrogation and threat of Wise concerning his union membership and activities by Richard F. Golden, Respondent's regional distribution manager for the southern region<sup>2</sup>

Wise testified that in July 1981 he was assigned to accompany Wade Rollins, Respondent's regional safety and training supervisor,3 and Ed Stamps, Respondent's maintenance supervisor, to Respondent's plant in New Orleans to pick up a truck to deliver hydrogen to California. During the course of this trip, Wise discussed with Rollins and Stamps certain complaints of the truckdrivers at the Conyers, Georgia, facility and told them that, if Respondent did not listen to their complaints, Respondent would "have a problem with the Union coming in." The union campaign commenced in mid-August. Notification was received by Respondent from the Union on August 21, 1981.4 Wise testified that he participated in the union campaign which commenced in mid-August 1981, and that he signed a union card and obtained 10 to 12 signed union cards from other truckdrivers. He testified that Respondent's southern regional distribution manager, Golden, met him in the shop of Respondent's Conyers facility, and that Golden pointed his finger at him to come outside, which Wise did. Wise testified that Golden then asked him:

... why I was doing this with the Union, after Eldon Perkins [Respondent's terminal manager] had been so good to me. And I said, well, because no one in management will listen to the drivers' complaints.

Wise testified that Golden "was pretty upset" and said, "I can't understand. . . . Eldon Perkins has been beating his brains out trying to keep you in work." Wise also tes-

4 It was stipulated at the hearing that the petition in Case 10-RC-12491 for an election among Respondent's employees at its Conyers, Georgia, facility was filed on August 27, 1981, the election was held on October 30, 1981, and the Union was certified as the bargaining representative on November 13, 1981.

tified that, during the course of the conversation, Golden "pointed his finger at me, and he said, 'I'm going to get your little ass'"; that he (Wise) responded, "There's no fences built around me"; and that Golden then stated, "I didn't mean it that way." Wise testified that he then told Golden that he (Golden) could "fire me" but that "the fact is that the drivers . . . you haven't been listening to their complaints." At that point, someone else approached, and the conversation was terminated.

Golden testified that on August 25, 1981, a chair lift, which was installed to enable Perkins, who walks with crutches and has a brace on his leg, to go to the second floor of the terminal building without the necessity of using steps which are on a steep incline to the second floor, was damaged. Golden testified that he (Golden) was upset as a result and discussed this with several drivers, including Wise, and that he told each of them, "I had never encountered such a despicable act in my life" and "that if it ever happened again, I would do my best to finally determine who the individual or individuals were, and I would bring the full resources of the Company to prosecute to the extent the law would allow." Golden denied that he made any mention of union activity or issued any threats to Wise, and testified, "I was not aware of any of his Union activity at that time." Wise was questioned on cross-examination by Respondent's counsel concerning whether Golden had discussed the damage to the chair lift with him on the same date as the alleged conversation between Wise and Golden concerning the Union. Wise acknowledged that this conversation occurred on the same day.

### **Analysis**

I credit the testimony of Wise that Golden interrogated him and threatened him concerning his union activities as set out above. I was impressed by the sincerity and candor of Wise during the course of his testimony. I did not find Golden's denials that he had knowledge of Wise's union activities, or that he interrogated or threatened Wise concerning his union activities, to be convincing. I do credit Golden's testimony concerning the incident involving damage to the chair lift and his discussion of this with several employees, including Wise, as well as his placement of this incident on August 25, 1981.

I accordingly find that Golden did interrogate and threaten Wise concerning his union activities on August 25, 1981, and that Respondent thereby violated Section 8(a)(1) of the Act. *Hanover Concrete Co.*, 241 NLRB 936 (1979), re: coercive interrogation; and *Pepper Packing Co.*, 243 NLRB 215 at 224 (1979), re: nonspecified threat of reprisal. I also accordingly find that Respondent's knowledge of Wise's role as a union supporter and Respondent's animus against the union campaign has been demonstrated thereby.

The alleged solicitations and promises to remedy grievances by Respondent's domestic fleet operations manager, Richard Greenburg

These allegations involve two meetings conducted by Respondent among its truckdrivers in October 1981. Wise placed the first meeting in mid-October and the

<sup>&</sup>lt;sup>2</sup> The complaint alleges, Respondent admitted in its answer, and I find that Richard F. Golden and Respondent's terminal manager, Eldon B. Perkins, and Respondent's domestic fleet operations manager, Richard E. Greenburg, were, at all times material herein, agents of Respondent acting on its behalf and supervisors within the meaning of Sec. 2(11) of the Act.

the Act.

3 It was established at the hearing through the testimony of Vincent John Kraft, Respondent's industrial relations manager for the North American continent, including the Conyers facility, that Rollins is responsible for testing and training of employees and conducting road observations of drivers with the authority to stop the drivers and remove them from their assigned trucks if they are observed to be in violation of company rules or Department of Transportation regulations. I find that this testimony established that Rollins is closely aligned with management. I accordingly find that his knowledge of Wise's remarks concerning the Union may be imputed to management. See Cumberland Farms Dairy, 258 NLRB 900 (1981), enfd. in part 674 F.2d 943 (1st Cir. 1982).

4 It was stipulated at the hearing that the petition in Case 10-RC-

second meeting as 1 day before the election. Kraft, who attended and spoke at both meetings, placed them as having occurred on October 14 and 28, 1981. I credit Kraft's specific recollection of these dates. Wise testified that the first meeting in October was attended by Greenburg and Kraft, that the employees were told that they (Respondent's representatives) "were there to listen to our complaints and to find out what the problem was," and that the employees "responded with their complaints about the time home, the dispatch, the favoritism that was being shown for some drivers and not for others, and their all around unhappiness."

Wise testified that at the second meeting, attended by Golden, Kraft, Jack Kelley, and Perkins on behalf of Respondent, Respondent's representative (Jack Kelley, Respondent's regional personnel manager) reviewed their wages and compared them with other trucking ("tank") firms in the Atlanta area and "also showed us our insurance benefits, that were going to be increased, and what they were there for was—it was the time—that time of year was about the time we was supposed to get a raise, so they went on with the plan to give us that raise." Wise testified further that "[a]bout the closing of the meeting, Dick Greenburg stated that he had taken our complaints into consideration, and the Company had, and they felt like some of them were legit, and some of them weren't."

Kraft testified that the October 14 meeting was held pursuant to a request made to Greenburg by certain employees to discuss with them employee complaints about standard operating procedures of Respondent such as the 55-mile-per-hour speed limit which Respondent insisted be adhered to by its drivers and Respondent's "sixteen hour rule" which was more stringent than Department of Transportation regulations. Kraft testified that he invited himself to the meeting "because I wanted to make sure the meeting was conducted fairly and honestly," and that at the commencement of the meeting he explained that they were there to discuss questions which had arisen concerning standard operating procedures, but that they (Respondent's representatives) were not there to resolve grievances or to solicit complaints, and that the meeting would be in two parts, the first part to be handled by Greenburg and himself and the second by other representatives of Respondent. During the course of the first part of the meeting Greenburg answered questions concerning Respondent's operating procedures. Following an unfavorable comment by an employee concerning a member of management, Kraft halted the first part of the meeting and called in Respondent's representatives Kelley and Perkins, who announced the annual wage increase which had been implemented in mid-October in the past. Neither the announcement or implementation of the wage increase is alleged as a violation in the complaint.

Kraft testified that the purpose of the October 28, 1981, meeting was to "address them [the employees] specifically regarding their status and their situation as a non-union group." At this meeting a comparison of wage rates was put on the bulletin board, and the management representatives were told by one of the employees that this was unnecessary as no one had any complaints about

the wage increase. Kraft testified that during the course of the initial meeting employee Laverne Davis announced that he was responsible for the organization of the Union and another employee (Sam Shook) inquired whether union supporters would have their jobs eliminated or be laid off and that the employees were assured that there would be no reprisals and were encouraged to vote

### Analysis

After careful review of the testimony of Wise and Kraft concerning the two October meetings, I conclude that both versions are similar in large part. Although I am convinced that Wise testified to the best of his recollection, his testimony was somewhat vague and lacking in detail. To the extent that his testimony may appear to differ with that of Kraft, I credit Kraft as I find his testimony as to what occurred at the two October meetings to be specific and detailed. Specifically, I credit Kraft's testimony that the initial October meeting was in response to questions concerning operating procedures which had been raised by employees with Greenburg and further that Kraft explained to the employees that the purpose of the meeting was not to solicit complaints or resolve grievances. I credit Kraft's testimony that he was concerned that Respondent exercise care so as not to solicit grievances or make any promises to the employees in order to avoid violating the Act. As noted above, neither the announcement nor implementation of the annual pay raise is alleged as a violation of the Act. I also do not find that the comparison of wage rates made by Respondent in the second meeting constituted a violation. I also find that the General Counsel has failed to prove that these meetings were such departures from past procedures of Respondent so as to warrant a finding of a violation of the Act in support of his contentions in that regard.

Accordingly, I find that the evidence is insufficient to prove that Respondent engaged in the solicitation of grievances and promised to remedy said grievances at the meetings of October 14 and 28, 1981. Rather, I credit the specific and detailed testimony of Kraft that efforts were made by Respondent to avoid doing so. I accordingly shall recommend dismissal of these allegations of the complaint. *Uarco, Inc.*, 216 NLRB 1 (1974).

### B. The Alleged 8(a)(3) Violation—The Discharge of Employee Dennis C. Wise

It is undisputed that on January 9, 1982, Wise was observed by Terminal Manager Perkins and Marty Byrd, Respondent's regional driver-trainer, shortly after he had left the terminal in Conyers, Georgia, picking up a male passenger at a roadside restaurant. Perkins testified without rebuttal that such road observations are routinely conducted as part of a planned and intermittent road observation program and that this particular observation was routine. Perkins testified that he and Byrd followed Wise onto the highway and signaled Wise to pull the truck over at the next exit. Upon arrival, Byrd found the passenger inside the cab of Wise's truck. Byrd drove the truck back to the terminal, and Wise was conveyed back

to the terminal by Perkins. The passenger refused transportation by Perkins. At the terminal Perkins informed Wise that he would make a decision concerning him on the following Monday and to be in the office on Monday morning. When Wise reported on Monday, January 11, 1982, he was discharged by Perkins who, according to the unrebutted testimony of Wise, told Wise, "Normally, I'd let you off for fourteen to thirty days, but Allentown [Pennsylvania, Respondent's headquarters] said let you go"; and Perkins said, "I'll give you an option, you can either resign or be fired," and he (Wise) chose to be terminated (discharged). Wise acknowledge that he had transported the unauthorized passenger who he identified as a friend of his but contends, as does the General Counsel on his behalf, that he received disparate treatment as the discipline of discharge imposed in his case was harsher than that imposed on other employees for similar offenses. It is undisputed that the carrying of unauthorized passengers is a violation of both the Respondent's standard operating procedures and a United States Department of Transportation regulation. The driver's handbook issued to all drivers, including Wise, provides as follows:

Carrying passengers without written authorization is illegal, contrary to insurance company rules, and is prohibited by this company. Drivers found guilty of violating this rule are subject to immediate dismissal. [G.C. Exhs. 9(a) and 9(b).]

In support of his position that Wise received disparate treatment from that imposed on other employees, the General Counsel presented evidence of various disciplinary actions taken against employees at Respondent's Conyers facility for various offenses, including the suspension, rather than termination, of a long-term (17 years) employee with a good driving record for leaving the scene of an accident and the suspension, rather than termination, of two truckdrivers from whose truck a female passenger was observed exiting at a restaurant.

Respondent contends, however, that the decision to discharge Wise was made by Golden, Kraft, and Greenburg in a three-way conference call after Perkins reported the incident to Golden. Golden testified that it was agreed between Kraft, Greenburg, and himself that the incident was a violation of Department of Transportation regulations and Respondent's policy and that there were no circumstances which would mitigate the discipline. Golden acknowledged that Perkins had asked him whether suspension of Wise would be a viable option prior to his conversation with Greenburg and Kraft, and that he (Golden) had replied in the negative. Kraft testified that the conference call concerning Wise involved himself, Golden, and Kelley. I credit Golden's recollection that the call involved Greenburg rather than Kelley. Kraft testified concerning the nature of the incident and his own inquiry whether mitigating circumstances were involved.

Respondent, in reliance on the testimony of Perkins and Kraft, contends that the suspension issued to the long-term employee for leaving the scene of an accident was premised on his long tenure (17 years) as an employ-

ee and his previously unblemished driving record, as well as the factual circumstances that the employee did, in fact, stop at the scene of the accident which involved an unmanned truck on the shoulder of the highway, examined the truck for damage, and then drove on to the terminal where he immediately reported the accident. Respondent also contends, in reliance on the testimony of Perkins and Kraft, that the two employees who were involved in carrying an unauthorized passenger contended that they had given her assistance on the highway, which is permissible, but had driven her past a number of highway exits rather than driving her to the nearest available location where assistance could be obtained in deference to her request to be taken to a further destination, and that, as a result of its inability to disprove their story, a suspension was imposed rather than discharge.

Kraft testified, without rebuttal, that during the previous 6 years in which he has served as industrial relations manager for Respondent's North American Continent operations there have been only four incidents of drivers carrying unauthorized passengers. In one instance, in addition to this case, the driver was discharged. In another instance the driver picked up a fellow truckdriver whose vehicle had broken down on the highway but drove him past the nearest available exit where help could be obtained, and this driver was suspended. The fourth incident involved the previously discussed case in Conyers, Georgia, wherein the employees contended they had stopped to help a female in distress.

### Analysis

As set out previously in this Decision, I have credited Wise's testimony concerning his interrogation by Golden and the issuance of the unspecified threat to Wise by Golden concerning Wise's engagement in union activities, as well as Wise's conversation in July with Respondent's safety and training supervisor, Rollins, wherein Wise expressed support for the Union. I accordingly have found that Respondent had knowledge that Wise was a union supporter and that Respondent's animus toward the Union and toward Wise because of his support for the Union and his engagement in union activities has been demonstrated. Under these circumstances I find that the General Counsel has made a prima facie case of a violation of Section 8(a)(3) and (1) of the Act by Respondent's discharge of Wise. Associated Milk Producers, 259 NLRB 1033 at 1035 (1982), wherein the Board stated:

The elements of protected activity on the part of the discharged employee, employer knowledge of the protected activity, and employer animus toward the Union, taken together, are sufficient to establish a *prima facie* case of unlawful discharge.

Respondent contends, however, that Wise was discharged for carrying an unauthorized passenger in his truck. The carrying of an unauthorized passenger is clearly set out as a rule violation in the driver's handbook and is also a violation of a United States Department of Transportation regulation. It is one of only two offenses for which "dismissal" is specifically listed as a

penalty in the driver's handbook. Although the language "Drivers found guilty of violating this rule are subject to immediate dismissal" may be discretionary, Respondent's emphasis on the seriousness of violations of this rule is apparent. The rule is based on a United States Department of Transportation safety regulation and is clearly based on sound operating necessities. Wise's knowledge of this rule is not in dispute. Moreover, there was no evidence of any mitigating circumstances for Wise's violation of the rule.

I have examined the instances of discipline imposed for various offenses presented by both parties in this proceeding. I find the four instances which involved the carrying of unauthorized passengers to be the only instances which are reasonably similar in nature so as to give rise to a realistic comparison. In one instance, according to the unrebutted testimony of Kraft, no mitigating circumstances were found, and the employee was discharged. In another, the employee was found to have legitimately stopped to aid another truckdriver with a disabled vehicle but to have bypassed the nearest available exit where the passenger could have been taken, and the employee was then suspended. In the incident involving the two Conyers employees from whose truck a female passenger was observed exiting, the employees contended that they had stopped as she was in distress. A review of the testimony of Perkins is inconclusive but supports Respondent's position that the employees' version of the incident was accepted by Respondent (or at a minimum was not discredited), and they were suspended rather than terminated as a result. Although I credit Wise's testimony concerning Perkins' statement that normally the penalty would have been less, I do not find this statement determinative as there was no evidence to support the statement of Perkins in an identical or substantially similar case of the carrying of an unauthorized passenger with a total absence of mitigating circumstances as in this case. On the basis of the foregoing unrebutted evidence presented by Respondent concerning the enforcement of the rule, I find that the General Counsel's contention that the rule was disparately enforced against Wise is unsupported by the evidence in this case. I accordingly will recommend dismissal of this allegation of the complaint. Wright Line, 251 NLRB 1083 (1980); Associated Milk Producers, supra.

## IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The unfair labor practices of Respondent as found in section III, in connection with Respondent's operations as found in section I, have a close, intimate, and substantial relationship to trade, traffic, and commerce among the several States and tend to lead to disputes burdening and obstructing the free flow of commerce.

### CONCLUSIONS OF LAW

- 1. Respondent Air Products and Chemicals, Inc., is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.
- 2. Teamsters Local Union No. 728 is a labor organization within the meaning of Section 2(5) of the Act.

- 3. Respondent violated Section 8(a)(1) of the Act by Golden's interrogation of Wise and his issuance of a threat of reprisal against Wise concerning his union membership and activities.
- 4. Respondent did not engage in solicitation of its employees and/or make promises to its employees to remedy grievances and, accordingly, did not violate Section 8(a)(1) of the Act thereby.
- 5. The General Counsel has established a *prima facie* case of a violation of Section 8(a)(3) and (1) of the Act by the discharge of Dennis C. Wise. Respondent has rebutted the *prima facie* case by the preponderance of the evidence.
- 6. The aforesaid unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

### THE REMEDY

Having found that Respondent has violated Section 8(a)(1) of the Act, it shall be ordered to cease and desist therefrom and to post the appropriate notice in order to effectuate the purposes and policies of the Act.

Upon the foregoing findings of fact, conclusions of law, upon the entire record, and pursuant to Section 10(c) of the Act, I hereby issue the following recommended:

### ORDER5

The Respondent, Air Products and Chemical, Inc., Atlanta, Georgia, its officers, agents, successors, and assigns, shall:

- 1. Cease and desist from:
- (a) Interrogating or threatening its employees concerning their union membership or activities.
- (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of their rights under Section 7 of the Act.
- 2. Take the following affirmative action designed to effectuate the purposes and policies of the Act:
- (a) Sign and post copies of the attached notice marked "Appendix" immediately upon receipt thereof, in conspicuous places at its terminal offices and facilities in Conyers, Georgia, to which its employees report. Reasonable steps shall be taken to ensure that said notices are not altered, defaced, or covered by any other material.
- (b) Notify the Regional Director for Region 10, in writing, within 20 days from the date of this Order, what steps Respondent has taken to comply herewith.
- IT IS FURTHER ORDERED that the complaint be dismissed with respect to the allegation of violations of Section 8(a)(1) of the Act by the alleged unlawful solicita-

<sup>&</sup>lt;sup>5</sup> In the event no exceptions are filed as provided by Sec. 102.46 of the Rules and Regulations of the National Labor Relations Board, the findings, conclusions, and recommended Order herein shall, as provided in Sec. 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto shall be deemed waived for all purposes.

<sup>&</sup>lt;sup>6</sup> In the event that this Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

tion of employees and promises to remedy their grievances and with respect to the allegation of a violation of Section 8(a)(3) and (1) of the Act by the alleged unlawful discharge of Dennis C. Wise and with respect to any other allegations of violations not specifically found herein.

### **APPENDIX**

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

After a trial at which all parties participated, the National Labor Relations Board has found that we have violated the National Labor Relations Act. We have been ordered to post this notice and abide by its terms.

The National Labor Relations Act gives all employees these rights: To engage in self-organization

To form, join, or assist unions

To bargain collectively through a representative of their own choosing

To act together for purposes of collective bargaining or other mutual aid or protection

To refrain from any or all of these things.

WE WILL NOT interrogate or threaten our employees in order to discourage their support for Teamsters Local Union No. 728 or their engagement in concerted activities.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of the rights guaranteed them by Section 7 of the Act.

AIR PRODUCTS AND CHEMICALS, INC.